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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,413	07/19/2006	Kunihiro Mishima	SEY-06-1193	3130

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IP GROUP OF DLA PIPER LLP (US)
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EXAMINER

DONDERO, WILLIAM E

ART UNIT	PAPER NUMBER
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3654

NOTIFICATION DATE	DELIVERY MODE
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05/19/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pto.phil@dlapiper.com

Office Action Summary	Application No. 10/586,413	Applicant(s) MISHIMA ET AL.	
	Examiner WILLIAM E. DONDERO	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Allowable Subject Matter

The indicated allowability of claims 1-2, 4-5, and 7-8 is withdrawn.

Claim Objections

Claim 1 is objected to because of the following informalities: the phrase, "and α and β have the relation $\alpha < \beta$ and $\alpha + \beta < 180^\circ$ " should be moved to the end of the claim after the angles α and β have been defined. Appropriate correction is required.

Claim 8 is objected to because of the following informalities: the word - -the- - should be inserted between "of" and "yarn" in line 2. Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 1-2, 4-5, and 7-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the rotating shaft of the guide roll" in 4. There is insufficient antecedent basis for this limitation in the claim.

Also regarding Claim 1, the limitation, “a fiber bundle is guided automatically in an original yarn path direction” in line 5 renders the claim indefinite because there is nothing in the claim as to how the automatic guiding occurs.

Further regarding Claim 1, the limitation, “by rotating around the rotating shaft” in line 6 renders the claim indefinite because it is unclear what is rotating.

Regarding Claim 2, the limitation, “the rotating shaft of the supporting member crosses the original yarn path at one portion” in lines 1-2 renders the claim indefinite, because it is not clear how the rotating shaft crosses the path. It appears the axis of the rotating shaft crosses the original yarn path and this interpretation is presumed in the Office Action below.

Regarding Claim 7, the limitation, “traveling” in line 5 renders the claim indefinite, because it is unclear what is meant by this limitation. It appears the word “traveling” should be replaced by -the fiber bundle- and this interpretation is used for the Office Action below.

Regarding Claim 8, the limitation, “the rotating shaft of the supporting member crosses the center of yarn path” in lines 1-2 renders the claim indefinite, because it is not clear how the rotating shaft crosses the path. It appears the axis of the rotating shaft crosses the original yarn path and this interpretation is presumed in the Office Action below.

Claim Rejections - 35 USC § 102

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Rauchfuss, Jr. et al. (US-4212422). Regarding Claim 1, Rauchfuss, Jr. et al. disclose an elongate material path guide capable of guiding yarn comprising a guide roll 40; and a supporting member 62 that supports the guide roll, the supporting member having a rotating shaft 65 at a position twisted at a right angle to the rotating shaft of the guide roll, and wherein a fiber bundle is capable of being guided automatically in an original elongate material (or yarn) path direction by inclining the guide roll with respect to the yarn path by rotating around the rotating shaft of the support member in response to variation of the elongate material (or yarn) path, and the elongate material (or yarn) is capable of being set up so that α and β have the relation $\alpha < \beta$ and $\alpha + \beta < 180^\circ$, when an angle between the rotating shaft of the supporting member and the original elongate material (or yarn) path enter the guide roll is α and an angle between the rotating shaft of the supporting member and the original yarn path coming out of the guide roll is β (Figures 1-4).

Regarding Claim 2, Rauchfuss, Jr. et al. disclose the rotating shaft of the supporting member crosses the original yarn path at one portion (Figures 1-4).

Claim Rejections - 35 USC § 103

Claims 4-5 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nojiri et al. (US-5499776) in view of Rauchfuss, Jr. et al. (US-4212422).

Regarding Claim 4, Nojiri et al. discloses a manufacturing apparatus 1,2,3,4 of a fiber bundle package P comprising yarn path guides $2_1, 2_2, 2_3, 2_4, 2_e$ (Figures 1-8). Nojiri et al. does not expressly disclose the yarn path guide of Claim 1.

However, as advanced above, Rauchfuss, Jr. et al. disclose the yarn path guide of Claim 1 (Figures 1-4). Because both Rauchfuss, Jr. et al. and Nojiri et al. teach yarn path guides, it would have been obvious to one of ordinary skill in the art at the time of the invention to substitute the yarn path guide of Rauchfuss, Jr. et al. for the yarn path guide of Nojiri et al. to achieve the predictable result of guiding the yarn as taught by Nojiri et al. and to maintain the alignment of the yarn as taught by Rauchfuss, Jr. et al.

Regarding Claim 5, Nojiri et al. disclose a method of manufacturing the fiber bundle package of Claim 4 comprising supplying a fiber bundle F to the yarn path guide (Figures 1-8).

Regarding Claims 7-8, Nojiri et al. disclose a fiber bundle traversing device comprising a traverse guide 2 capable of guiding the fiber bundle F and a traverse mechanism 6,7,8 of the traverse guide, capable of traversing the fiber bundle by reciprocating the traverse guide in the direction of a bobbin rotating shaft 3 by the traverse mechanism, wherein the traverse guide has yarn path guides $2_1, 2_2, 2_3, 2_4, 2_e$ capable of guiding the fiber bundle. Nojiri et al. does not expressly disclose the yarn

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path guide of Claim 1 wherein the rotating shaft of the supporting member crosses the center of the yarn path.

However, as advanced above, Rauchfuss, Jr. et al. disclose the yarn path guide of Claim 1 wherein the rotating shaft of the supporting member crosses the center of the yarn path (see rejection of Claim 2) (Figures 1-4). Because both Rauchfuss, Jr. et al. and Nojiri et al. teach yarn path guides, it would have been obvious to one of ordinary skill in the art at the time of the invention to substitute the yarn path guide of Rauchfuss, Jr. et al. for the yarn path guide of Nojiri et al. to achieve the predictable result of guiding the yarn as taught by Nojiri et al. and to maintain the alignment of the yarn as taught by Rauchfuss, Jr. et al.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM E. DONDERO whose telephone number is (571)272-5590. The examiner can normally be reached on M - F 7 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Q. Nguyen can be reached on 571-272-6952. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John Q. Nguyen/
Supervisory Patent Examiner, Art Unit 3654

/W. E. D./
Examiner, Art Unit 3654